

## REMARKS

Claims 22-41 are still pending in this application.

Applicant has amended the claims throughout to change the phrase "slot-shaped" to "slit-shaped" which Applicant believes is a more accurately translation of the original German application. No new matter is added.

In the Office Action, the Examiner indicated that claims 30 and 40 would be allowable if they are rewritten in independent form including all of the limitations of the parent claims. The Examiner also indicated claims 31-37 would also be allowable if claim 30 is written in independent form. Applicant gratefully acknowledges the indication of allowable subject matter.

The Examiner objected to the drawing for failing to show the feature of "width" and "closure element" and its associated "mouth" and "opening".

For the term "width", it is an inherent dimension of a feature of "the sound inlet". In other words, Applicant respectfully submits that the "width" is not the feature itself, but rather an inherent dimension of the feature of "the sound inlet". For example, the sound inlet 25 is illustrated in FIG. 2 and the width is defined in the specification as "substantially determined along the circumference of the microphone" (in the original translation of the specification) and as "being essentially determined along the periphery of the microphone" (in the substitute specification). The difference in terminology is due to translation inaccuracies. Applicant submits that it is clear what the "width" means as the specification states that it is measured in the circumferential direction. To address the Examiner's concern, however, Applicant has amended claim 25 to recite "the length of the sound inlet is again less than the width of the sound inlet extending circumferentially".

As for the term "closure element", it is illustrated as the sealing (as in "closure") element 23 as fully described in the present specification at page 9. The mouth and opening refer to the opening of the duct 29. Accordingly, Applicant respectfully requests the Examiner to withdraw the drawing objection.

The Examiner rejected claims 25, 26, 29 and 38 under 35 U.S.C. Section 112, first paragraph, as non-enabling.

For claims 25 and 26, the Examiner asserted that the specification fails to clearly describe how one of ordinary skill in the art would determine the "width". As discussed above, it is measured along the circumference of the sound inlet.

For claim 29, the Examiner asserted that it is unclear how to construct a damping element that further comprises a closure element. As discussed above, the closure element is illustrated as the sealing element 23 and page 9, lines 7-9 of the present specification defines the damping element as including the cavity 33 and the acoustic damping material 31 arranged in the ducts 29 in the sealing element 23.

For claim 38, the Examiner states that it is unclear how the diaphragm fixing portion 5 of FIGS. 5 and 6 operates to fix the diaphragm and that it appears that the diaphragm fixing portion 5 actually operates to fix the magnetic circuit of the microphone. Applicant respectfully submits that the diaphragm is fixed to the diaphragm fixing portion 5 through the diaphragm ring (holding portion) 37. Thus, Applicant submits that the terms are not misdescriptive.

The Examiner further requested clarifications on claims 27 on the meaning of "interrupted", claim 29 on the meaning of "closure element", claim 38 on the meaning of "fix".

For claim 27, Applicant has deleted the phrase "interrupted".

For claim 29, the closure element is illustrated as the sealing element as discussed above.

For claim 39, the diaphragm is fixed to the diaphragm fixing portion 5 through the diaphragm ring (holding portion) 37. Thus, Applicant submits that the term "fixing" is not misdescriptive.

More substantively, the Examiner claims 22-29 and 38, 39 and 41 under 35 U.S.C. Section 102(b) as being anticipated by Hagey (US Patent No. 4410770). Applicant respectfully traverses the rejections.

Although the Hagey reference discloses a microphone with a diaphragm with first and second surfaces, and a slit-shaped sound inlet forming an acoustic inductance as well as a damping element, Hagey does not show that the acoustic resistance of the sound inlet is less than the acoustic resistance of the damping element.

Specifically, the sound inlets 46, 45 form a first path to the rear side of the diaphragm. The acoustical inductance of the first path is designated as L2 (column 4, lines 57 to 62, figure 7). The acoustical resistance of this first path is embodied by the cloth layer 42 and is designated as R1 (column 4, lines 62 to 65). Hagey is silent with regard to the magnitude of the acoustic resistance in the sound inlet and the acoustic resistance of the damping element.

By contrast, claim 22 recites "said sound inlet having an acoustic resistance which is less than the acoustic resistance of the damping element". None of the cited references teach or suggest such a novel feature.

From FIG. 7 of Hagey, it can be seen that the microphone is based on the realization of the RC-principle. Accordingly, the acoustic inductance of the first path L2 is selected as small as possible, the damping element (cloth layer 40) corresponds to the acoustical resistance and the volume beneath the diaphragm corresponds to the acoustical capacitance. Therefore, the microphone according to Hagey is clearly based on a total different technical concept, namely the RC-principle, as compared to the implementation of the LR-principle according to the subject matter of claim 22.

The remaining claims depend from claim 22 and are therefore also patentable by virtue of their dependency from claim 22.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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